



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Kruthers, Heather H., of County Counsel's Office (for Public Administrator, Court-appointed Successor Administrator)

Atty Walker, Keith S., sole practitioner of Claremont (formerly representing Nitza Peña, former Administrator)

(1) First and Final Account and Report of Former Administratrix and (2) for Costs and (3) for Exoneration of Bond [Prob. C. 8485, 10900, 10950]

DOD: 6/12/1995		NITZA PEÑA , niece and Former Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 9/27/2012. Minute Order states Counsel advises the Court that she spoke with Mr. Walker yesterday and she believed he would be appearing here today. Ms. Kruthers is directed to look into any surcharges. (Note: Clerk's Certificate of Mailing filed 10/5/2012 shows Attorney Keith Walker was mailed a copy of the Minute Order dated 9/27/2012 on 10/5/2012.) Notes for background: <ul style="list-style-type: none"> Minute Order dated 5/9/2012 states Mr. Walker is appearing via conference call. The Court removes Keith Walker as counsel. Additionally, the Court removes Nitza Peña as the Administrator and appoints the Public Administrator. Mr. Walker is directed to provide the necessary information to the Public Administrator. Letters with Full IAEA Authority issued to the Public Administrator on 5/16/2012. ~Please see additional page~
Cont. from 092712		Account period: 6/12/1995 – 5/9/2012	
<input type="checkbox"/>	Aff.Sub.Wit.	Accounting - \$9,080.37	
<input type="checkbox"/>	Verified	Beginning POH - \$ not stated	
<input checked="" type="checkbox"/>	Inventory	Ending POH - \$ 0.00	
<input type="checkbox"/>	PTC	Administrator - not requested	
<input type="checkbox"/>	Not.Cred.	Attorney - not requested	
<input checked="" type="checkbox"/>	Notice of Hrg	Keith Walker Costs - \$2,123.25	
<input checked="" type="checkbox"/>	Aff.Mail	(for 1996 accident report, coroner's report, photocopies, Courtcall telephonic appearances, overnight delivery services, filing fee;)	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Costs - \$545.25 (PAID)	
<input type="checkbox"/>	Letters	(filing fee, publication, bond premium certified copies; all dated for same date of 3/26/1996 and stated as <u>paid</u> to Allard, Shelton & O'Connor, Walker's former firm.)	
<input type="checkbox"/>	Duties/S		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202	Petition states:	
<input type="checkbox"/>	Order	<ul style="list-style-type: none"> On an unknown date, a total of \$8,535.12 represented by cash of \$8,462.50 and a \$72.62 refund check from Scripps Health was turned over to the State Controller as unclaimed property; Petitioner is informed and believes that the larger of the two items turned over to the State Controller, a balance of \$8,462.50 at Wells Fargo Bank has already been claimed and recovered by the Successor Administrator; At the time Petitioner initially sought appointment, it was not clear what assets would be subject to administration; ~Please see additional page~ 	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Petition states, continued:

- Decedent was survived by 7 children, all of whom were minors at the time of her death, and Petitioner was asked to take charge of the estate, which she agreed to do despite the distance between her home in San Bernardino County and the Court in Fresno;
- Even though the value of the estate turned out to be so low that administration would ordinarily not have been required, administration was deemed appropriate because (1) all of the heirs were minors and a guardian of their estates would have to be appointed in order to execute and affidavit under Probate Code § 13101 on their behalf; (2) it was anticipated that a creditor's claim for expenses of the Decedent's last illness would exceed the value of the estate, rendering the estate insolvent and subjecting the heirs to potential liability for such claim under Probate Code § 13109; and (3) it was contemplated that an action for the wrongful death of the Decedent might be filed on behalf of the Decedent's children.
- Valley Medical Center of Fresno [now Community Regional Medical Center] did file a claim for **\$203,464.43** on 12/16/1995, and an amended claim for **\$198,043.68** on 6/21/1996; Petitioner allowed the amended claim in full prior to her removal [Please refer to examiner's Note re Creditor's Claim, below];
- On 3/20/2012, Petitioner filed a *Petition for Family Allowance* on behalf of the Decedent's children, which was denied on 5/9/2012. The petition was filed in the hope that the family allowance could be ahead of the one outstanding creditor's claim; **in the light of the fact that the claim is for an expense of Decedent's last illness, the claim would have had priority over the family allowance in any event under Probate Code § 11420(a);** [Note re Denial of Petition for Family Allowance: Court required legal authority to support request for family allowance per Probate Code § 6540(b)(1), which Mr. Walker did not provide; a family allowance is preferred to most other claims (Probate Code § 750) and upon proper application, it must be granted even if the estate is insolvent];
- Petitioner had on hand as of 5/9/2012 no assets belonging to the estate, all such assets having been turned over to the State Controller as unclaimed property;
- Due to the passage of time and lack of records, the bank balance set forth in the *Inventory and Appraisal* [filed 3/20/2012] was determined by extrapolation, working from the balance that was turned over to the State Controller after the payment of costs to Petitioner's counsel;
- Petitioner has no records, and no current recollection, with respect to interest earned on the estate account; any such interest would have been *de minimus* and would mean the actual date-of-death balance would have been slightly less than the amount inventoried;
- No assets of the estate were sold during the period covered by this account and report [Examiner's Note: this account does not mention or explain disposition of the real property of the estate with a value of **\$42,000.00** which was listed on the initial Petition for Probate filed 10/31/1995. However, examiner has noted that two years ago information was presented before this Court, per the Minute Order dated **9/9/2010** [Judge Gallagher] which states Attorney Walker represents to the Court that he lost contact with his client for a period of time but has now obtained a current address and should be able to close the estate quickly as the property has been lost.]
- Because a successor personal representative has been appointed and the statutory commissions and attorney's fees will have to be apportioned in accordance with Probate Code § 10805 and 10814, Petitioner does not make any request at this time for any part of the statutory personal representative's commission or for any part of the statutory attorney's fees on behalf of her attorney;
- Keith S. Walker has represented Petitioner since the inception of this proceeding; until 12/31/2010, Mr. Walker was a partner in the firm of Allard, Shelton & O'Connor, which was dissolved on that date; since 1/1/2011, Mr. Walker has continued to represent Petitioner; under the terms of the dissolution of the former firm, Mr. Walker is entitled to all fees and costs that would have been payable to said firm if it were still in existence;

~Please see additional page~

Petition states, continued:

- No compensation has been taken by Petitioner or paid to her counsel; on 3/26/1996, Petitioner did pay to Allard, Shelton & O'Connor the sum of **\$545.25** in costs, which included the filing fee, the cost of publishing the notice of death, the premium on Petitioner's bond, and certification fees; unfortunately, due to the passage of time and dissolution of Allard, Shelton & O'Connor, neither Petitioner nor her counsel can provide an itemization of those costs at this time;
- *Exhibit 1* attached is a statement of costs advanced since 3/19/1996, totaling **\$2,123.25**; most of these costs consist of filing fees and charges for telephonic appearance by CourtCall; Petitioner requests that the Court make an order allowing such costs to her attorney and directing the Successor Administrator to pay the same to Keith S. Walker;
- Decedent was survived by 7 children, all of whom were still minors at the time of her death, and who are all now adults; Decedent's children are her heirs at law and succeed to her entire estate under Probate Code § 6402(a).

Petitioner prays for an Order:

1. Approving, allowing and settling, and in all respects confirming, Petitioner's First and Final account;
2. Allowing the sum of **\$2,123.25** to Petitioner's attorney Keith S. Walker for costs advanced; and
3. Exonerating Petitioner's bond in the penal amount of **\$20,000.00**.

NEEDS/PROBLEMS/COMMENTS, continued:

Note re Signatures: All documents in this case, including this *First and Final Account* filed 8/8/2012, that purportedly have been signed by Nitza Peña that have been filed subsequent to the issuance of *Letters* to her on 12/15/1995, appear to contain an inauthentic signature of Nitza Peña, based upon the following:

- Comparison of all 1995 signatures and post-1995 purported signatures of Nitza Peña contained on all of the filed documents in this case from its inception in 1995 to the present; and
- Nitza Peña was never notified of the first status hearing that the Court set originally for 9/9/2010, and there is **no indication anywhere in the file that she has ever been sent any sort of notice of any of the hearings** in this matter since *Letters* were issued to her on 12/15/1995; notice of status hearing by the Court was sent **only** to Attorney Keith Walker on 7/28/2010 because it has typically been the Court's practice to send notices of status hearings solely and directly to the attorneys for personal representatives.

It appears based upon the suspect signature and lack of notice to Nitza Peña that she is completely unaware that any proceedings have taken place and that petitions and documents have been filed in this estate under her purported signature. In fairness to Nitza Peña, whom the Court removed as personal representative on 5/9/2012, the **Court may choose to order that Nitza Peña is exonerated from all liability for actions purportedly taken by her as personal representative of this estate.**

Note re Notice: *Petition for Probate* filed on 10/31/1995 lists 7 children of Decedent who had not been sent notice of any proceedings in this matter since the *Notice of Petition to Administer Estate* filed on 11/8/1995. *Proof of Service by Mail* filed 9/10/2012 indicating notice was mailed to the Decedent's 7 heirs on 9/7/2012 shows that they all live in distant cities from Fresno (such as San Diego, El Cajon, Chula Vista, National City). This 9/10/2012 *Proof of Service* **does not** show that Nitza Peña was mailed the notice on 9/7/2012, which attorneys have been known to do as a courtesy to the personal representative of the estate they represent despite that the personal representative is the one expected to have filed the petition for which the notice is being sent.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

Note re Creditor's Claim: Allowance of Creditor's Claim for Valley Medical Center of Fresno (now Community Regional Medical Center) dated 3/19/2012 in the amount of **\$198,043.68** was submitted by Keith Walker to the Court on 9/13/2012 for processing (Keith Walker's letter to the Court Clerk requesting processing of the Allowance is dated 9/10/2012, and date of mailing the Allowance to "Valley Medical Center" is 9/10/2012.) However, processing of the Allowance has been halted based upon Nitza Peña's removal by the Court on 5/9/2012 from the office of Administrator. Pursuant to Probate Code § 8501, Cessation of Authority, a former administrator cannot allow a creditor's claim on a date subsequent to the date she was removed as administrator because upon her removal her Letters were revoked by the Court, and her authority as personal representative ceased. Public Administrator is the current estate administrator. Petition states at lines 18 – 19 that Petitioner allowed the amended claim in full prior to her removal, and Court records show that this statement is not accurate.

Note re Bond: Minute Order dated 3/21/2012 directed Keith Walker to put the bonding company on notice. **Keith Walker filed on 5/4/2012 and on 9/10/2012 proof of notice to a different bonding company** than the one that issued the **\$20,000.00** bond on 12/15/1995, at an incorrect address. Proof of Service by Mail of the Notice of Hearing filed on 5/4/2012 shows notice was mailed on 4/24/2012 to American Contractors Indemnity Company in Los Angeles. **Proof of Bond filed 12/15/1995 indicates Highlands Insurance Company is the bond company that issued the \$20,000.00 bond to Petitioner.** Further, Highlands Insurance Company filed on 10/5/2001 a Notice of Change of Address indicating a P.O. Box **address in Van Nuys**, while the most recent Proof of Service by Mail of the Notice of Hearing filed on 9/10/2012 shows **Southern California Bonding Service, Inc.**, was mailed notice on 9/7/2012 to an **old address** on Wilshire Blvd. in Los Angeles.

Note re Estate Inventory: Final Inventory and Appraisal filed on 3/20/2012 does not comply with Probate Code § 8802 which provides the inventory and appraisal shall separately list each item and shall state the fair market value of the item **at the time of the Decedent's death** on **6/12/1995**, despite that estate property was later lost during administration. The Final Inventory and Appraisal filed on 3/20/2012 shows an estate value of **\$9,080.37** cash. Court fixed bond in this estate for good reason, based upon the following: Initial Petition for Probate filed 10/31/1995 indicated an estimated value of the estate of **\$62,000.00, consisting of real property (\$42,000.00) and personal property (\$20,000.00)**; Order for Probate filed 12/6/1995 fixed bond at **\$20,000.00**; Proof of Bond was filed 12/15/1995, and Letters issued on that same date to Administrator Nitza Pena's, authorizing **Limited IAEA Authority only**.

Note re Request for Reimbursement of Keith Walker's Costs Advanced: Notwithstanding the fact that Keith Walker was removed as counsel in this matter, and the fact that the bulk of Keith Walker's costs listed on Exhibit 1 were incurred as a result of his own delay in completing administration of this estate (CourtCall appearances totaling **\$1,144.00**), pursuant to Local Rule 7.17(B) and (C), the following costs are either **not reimbursable costs** because they are considered costs of doing business, or are only allowable in the Court's discretion in limited circumstances:

- **\$42.75** for overnight delivery; and
- **\$66.50** for photocopies of the Court file.

The reasons that this Decedent's estate should be made to pay Attorney Walker's costs are elusive.

~Please see additional page~

Case background and chronology:

- **NITZA PEÑA** was appointed Administrator with **Limited IAEA** on 12/6/1995 with bond fixed at **\$20,000.00**.
- **Proof of Bond** posted in the amount of **\$20,000.00** was filed on 12/15/1995, and *Letters* issued on that date.
- **The Inventory and Appraisal was due on 3/15/1996. The first account or petition for final distribution was due on 12/15/1996.**
- **Following a long history of Court notices to Attorney Keith Walker** for status hearings regarding failure to file the inventory and appraisal and failure to file a first account and petition for final distribution, and after the most recent hearings on the status of the estate and on Attorney Keith Walker's *Petition for Family Allowance* filed by him on 3/20/2011, the **Court determined as follows per Minute Order dated 5/9/2012 from the last hearing, which states:**
 - Mr. Walker is appearing via conference call. The Court removes Keith Walker as counsel.
 - Additionally, the Court removes Nitza Pena as the administrator and appoints the Public Guardian.
 - Mr. Walker is directed to provide the necessary information to the Public Guardian.
 - *Petition for Family Allowance* is denied.
- **Proof of Service by Mail – Failure to File Inventory and Appraisal was filed on 5/20/1996** indicating the notice of failure to file an inventory and appraisal, a first account or petition for final distribution was mailed to Attorney Keith Walker on 5/20/1996. Court file contains no record of any response by Attorney Walker to this notice (no hearing date was set by the Court; notice was a courtesy to Attorney.)
- **Notice of Status Hearing filed on 7/28/2010 set a status hearing on 9/9/2010** for failure to file the inventory and appraisal, and failure to file a first account or petition for final distribution. *Clerk's Certificate of Mailing* shows the *Notice* was mailed to Keith S. Walker on 7/28/2010.
- **Minute Order dated 9/9/2010 [Judge Gallagher]** states Attorney Walker represents to the Court that he lost contact with his client for a period of time but has now obtained a current address and should be able to close the estate quickly as the property has been lost. If the accounting is filed, no appearance is necessary on 12/6/2010.
- **Minute Order dated 12/06/10 [Judge Hamlin]** states Attorney Walker states his intention to file a *Petition to Set Aside* in this matter and requests a continuance. If said petition is filed, then no appearance is necessary on 1/27/2011.
- **Minute Order dated 1/27/2011 [Judge Oliver]** states Counsel is directed to file the inventory with the petition. If filed by 4/6/2011 and reviewed by an examiner no appearance will be necessary.
- **Minute Order dated 4/6/2011 [Judge Oliver]** states Mr. Walker is appearing via conference call. Counsel advises the Court that he has managed to re-establish contact with his client and has made contact with an attorney in San Diego. Counsel further advises that he will be filing a *Petition for Family Allowance*.
- **Minute Order dated 6/7/2011 [Judge Oliver]** states Mr. Walker is appearing via conference call. Counsel requests a continuance. Matter continued to 9/6/2011.
- **Minute Order dated 9/6/2011 [Judge Oliver]** states Keith Walker states that he has had a medical procedure keeping him away from court. Mr. Walker requests a continuance, stating, for example, a pending creditor's claim. The Court notes the creditor's claim and understands the matter will be finished at the next court hearing of 11/8/2011.
- **Minute Order dated 11/8/2011 [Judge Oliver]** states Mr. Walker is appearing via conference call. Mr. Walker informs the Court that he has the *Petition for Family Allowance* largely prepared, but needs a continuance due to medical issues. Matter continued to 12/13/2011.
- **Minute Order dated 12/13/2011 [Judge Oliver]** states Mr. Walker appears by CourtCall. Mr. Walker advises the Court that he should have the petition filed by the end of this year.
- **Minute Order dated 2/8/2012 [Judge Oliver]** states Keith Walker appears via Courtcall. Court orders Mr. Walker and Ms. Pena to personally appear if the *Inventory and Appraisal* is not filed by the next hearing on 3/21/2012.
- **Minute Order dated 3/21/2012 [Judge Oliver]** states Mr. Walker is appearing via conference call. The Court directs counsel to put the bonding company on notice. The matter is continued to 5/9/2012. The Court orders that the hearing currently set for 5/3/2012 be vacated and rescheduled for 5/9/2012.
- **Minute Order dated 5/9/2012 [Judge Oliver]** states Mr. Walker is appearing via conference call. The Court removes Keith Walker as counsel. Additionally, the Court removes Nitza Peña as the Administrator and appoints the Public Administrator. Mr. Walker is directed to provide the necessary information to the Public Administrator. *Petition for Family Allowance* is denied. Matter set for status hearing for filing inventory and appraisal and petition for final distribution.
- **Letters with Full IAEA Authority issued to the Public Administrator on 5/16/2012.**
- **Minute Order dated 7/11/2012 [Judge Oliver]** states Mr. Walker is appearing via conference call. Mr. Walker advises the Court that he will have the accounting done sometime next week. Mr. Walker requests a continuance. Matter continued to 8/8/2012. If everything is completed by 8/8/2012, no appearance will be necessary. In the event Mr. Walker is unable to complete the necessary documents by 8/8/2012, he and his client are to be personally present on that date. The Court directs Mr. Walker to provide Ms. Kruthers and the court examiner any information he has on Ms. Peña including her address and telephone number.
- **Minute Order dated 8/8/2012 [Judge Oliver]** states Keith Walker appears via Courtcall. Mr. Walker informs the Court he submitted an accounting.

~Please see additional page~

Note: Relevant code sections regarding closing an estate are as follows, including regarding any potential surcharges or sanctions:

§ 12200. Time required for closing or status report.

The personal representative shall either petition for an order for final distribution of the estate or make a report of status of administration not later than the following times:

- (a)** In an estate for which a federal estate tax return is not required, within **one year** after the date of issuance of letters.
- (b)** In an estate for which a federal estate tax return is required, within **18 months** after the date of issuance of letters.

§ 12205. Sanction for failure to timely close estate.

(a) The court may reduce the compensation of the personal representative or the attorney for the personal representative by an amount the court determines to be appropriate if the court makes all of the following determinations:

- (1)** The time taken for administration of the estate exceeds the time required by this chapter or prescribed by the court.
 - (2)** The time taken was within the control of the personal representative or attorney whose compensation is being reduced.
 - (3)** The delay was not in the best interest of the estate or interested persons.
- (b)** An order under this section reducing compensation may be made regardless of whether the compensation otherwise allowable under Part 7 (commencing with Section 10800) would be reasonable compensation for the services rendered by the personal representative or attorney.
- (c)** An order under this section may be made at any of the following hearings:
- (1)** The hearing for final distribution.
 - (2)** The hearing for an allowance on the compensation of the personal representative or attorney.
- (d)** In making a determination under this section, the court shall take into account any action taken under Section 12202 as a result of a previous delay.

Note: Potential exists for recovery of lost assets via the **\$20,000.00** Bond filed 12/15/1995, pursuant to Probate Code § 8487 – 8488, and 9822 (successor personal representative may sue on the bond of former personal representative.)

Atty Baldwin, Kenneth A., of McCormick Barstow (for Administrator Ryan V. White)

(1) First and Final Report of Administrator and (2) Petition for Its Settlement and for
(3) Final Distribution of Intestate Estate on Waiver of Accounting (Prob. C. 11600, et seq.)

DOD: 8/30/3007		RYAN VICTORIA WHITE , daughter and Administrator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:		
				<p>Note: Petitioner states she was made aware of a Federal Employers Liability Act (FELA) claim on behalf of Decedent's estate in connection with her father's death, and the estate was open because it was thought a personal representative was needed to pursue the claim or the claim proceeds would be payable to the estate. Petitioner has settled the claim which is payable to her individually, therefore no funds will be owing to Decedent's estate and the <i>Partial Inventory and Appraisal</i> filed 2/25/2008 constitutes a final inventory and appraisal.</p>		
		Accounting is waived.				
Cont. from						
<input type="checkbox"/>	Aff.Sub.Wit.					
<input checked="" type="checkbox"/>	Verified	I & A	— \$9,405.79			
<input checked="" type="checkbox"/>	Inventory	POH	— \$8,500.00 (no cash)			
<input checked="" type="checkbox"/>	PTC					
<input type="checkbox"/>	Not.Cred.					
<input type="checkbox"/>	Notice of Hrg	N/A	Administrator			— waives
<input type="checkbox"/>	Aff.Mail					<p>Reviewed by: LEG</p> <p>Reviewed on: 11/7/12</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 2 - White</p>
<input type="checkbox"/>	Aff.Pub.					
<input type="checkbox"/>	Sp.Ntc.	Attorney	— declines to request			
<input type="checkbox"/>	Pers.Serv.					
<input type="checkbox"/>	Conf. Screen					
<input type="checkbox"/>	Letters	103007	<p>Distribution pursuant to intestate succession is to:</p> <ul style="list-style-type: none"> RYAN VICTORIA WHITE — two automobiles and household furnishings, furniture, and personal effects. 			
<input type="checkbox"/>	Duties/Supp					
<input type="checkbox"/>	Objections					
<input type="checkbox"/>	Video Receipt					
<input type="checkbox"/>	CI Report					
<input checked="" type="checkbox"/>	9202					
<input checked="" type="checkbox"/>	Order					
<input type="checkbox"/>	Aff. Posting					
<input type="checkbox"/>	Status Rpt					
<input type="checkbox"/>	UCCJEA					
<input type="checkbox"/>	Citation					
<input type="checkbox"/>	FTB Notice	N/A				

(1) First and Final Report of Richard J. Tobin, Administrator, on Waiver of Accounting, and (2) Petition for Final Distribution (Ind. Adm. of Est. Act; Prob. C. 10954, 11600) Fresno CRC, Rules 7.12.3, 7.12.4, 7.13)

DOD: 10/11/2006		RICHARD J. TOBIN , Administrator, is petitioner. Accounting is waived. I & A - \$273,405.42 POH - \$260,225.98 Administrator - Agrees to accept the 2001 auto valued at \$4,500.00 in lieu of his statutory fees of \$\$8,468.11) Attorney - \$5,525.00 (less than statutory) Closing - \$1,000.00 Distribution, pursuant to intestate succession, is to: Joseph W. Tobin - ½ interest in real property. Richard J. Tobin - ½ interest in real property.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 1/20/09		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		Reviewed by: KT Reviewed on: 11/8/12 Updates: Recommendation: SUBMITTED File 3 - Tobin	

Atty Janian, Paulette (for Petitioner/Executor Stanley Turner)

Atty Gin, Robert W. (for Objectors Michael Turner, Jad Turner, Adam Turner and Joseph Turner)

(1) First and Final Account and Report of Administration, (2) Petition for Final Settlement, (3) For Allowance of Statutory Fees to Attorney and for (4) Final Distribution (10900, 10951, 10810, 11000, 11600, 11640)

DOD: 4/4/2008		STANLEY TURNER , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 10/2/12 per joint request. 1. Need Order
		Account period: 4/4/2008 – 8/15/2012	
		Accounting - \$719,338.35	
		Beginning POH - \$586,230.07	
		Ending POH - \$611,703.80	
Cont. from 100212			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Executor - waives	
<input checked="" type="checkbox"/>	Inventory	Attorney - \$14,724.61 (statutory)	
<input checked="" type="checkbox"/>	PTC	Closing - \$3,000.00	
<input checked="" type="checkbox"/>	Not.Cred.	Distribution, pursuant to Decedent's Will, is to:	
<input checked="" type="checkbox"/>	Notice of Hrg	Stanley Turner - 50% interest in the Moles Note;	
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.	Michael Turner - 35% of the Moles Note and \$37,797.00;	
<input type="checkbox"/>	Sp.Ntc.	Jad Turner - 5% of the Moles Note and \$5,971.00;	
<input type="checkbox"/>	Pers.Serv.	Adam Turner - 5% of the Moles Note and \$5,971.00;	
<input type="checkbox"/>	Conf. Screen	Joseph Turner - 5% of the Moles Note and \$5,971.00.	
<input checked="" type="checkbox"/>	Letters	9/9/10	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections	Objections of Michael Turner, Jad Turner, Adam Turner and Joseph Turner filed on 9/19/2012.	
<input type="checkbox"/>	Video Receipt	Objector's allege:	
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

1. The Petition does not include the 2008 payment on the Moles Note. Objectors understand that the payment was received by Stanley Turner shortly before or after the decedent's death.

2. Objector's object to each distribution Stanley Turner, as Executor, made for his personal benefit without prior court review or approval. Objectors contend Stanley Turner should be surcharged the amount of such distributions.

Please see additional page

Reviewed by: KT
Reviewed on: 11/7/12
Updates:
Recommendation:
File 4 - Turner

Objections continued:

3. Objectors object to the Summary of Account, since it does not contain complete information, and falsely indicates the account is in balance. The Summary of Account does not contain information in Schedule E (Change in Assets) in the amount of \$32,327.07
4. Objectors object to the Bank of America Service charges to December 2008, in the amount of \$314.96. There is no explanation why such charges should be the responsibility of the Estate.
5. Objectors object to the 2009 tax penalties, the 2010 tax penalties and the 2011 tax penalties. Objectors allege that Stanley Turner did not have the income tax returns for the Estate prepared until 2011. Therefore, any tax penalties should be his sole responsibility.
6. Objectors object to the accounting fees for John Rich & Company. Objectors allege Stanley Turner unreasonably delayed in providing information to his accountants. Stanley Turner should be solely responsible for any and all additional charges for his accountants, and he should be surcharged for these amounts.
7. The Petition does not explain why the estate was not closed within one year for the date Letters were issued, nor does the Petition attempt to justify the delay. Objectors contend that the delay in bringing the Estate to a close was unjustified and unreasonable, and Stanley Turner should be surcharged.
8. Objectors object to the proposed distribution of the balance remaining on the Moles Note. The interest going to Stanley Turner should be reduced by the amount of surcharge, including a surcharge for the unreasonable delay in bringing this estate to a close.

Wherefore, the Objectors pray for an order as follows:

1. That the objections herein be sustained;
2. That the accounting not be settled and allowed as filed.
3. That Stanley Turner be ordered to render a true, correct and legally sufficient verified account.
4. That Stanley Turner be surcharged the amount of the 2008 Moles note payment he received.
5. That Stanley Turner be surcharged for the amount of the distribution he made without court review or approval to himself or for his benefit.
6. That Stanley Turner be ordered to repay the Estate the amount of the Bank of America surcharges to December 2008, or in the alternative Stanley Turner be surcharged this amount.
7. That Stanley turner be ordered to repay the Estate in the amount of the penalties and interest charged to the Estate for the 2009, 2010, and 2011 income tax returns, or in the alternative, that Stanley Turner be surcharged this amount.
8. That Stanley Turner be order to repay the estate the amount of the accounting fees paid to John Rich & Company, or in the alternative, that Stanley Turner be surcharged this amount.
9. That the share of the remaining Moles note payment to Stanley Turner be reduced in the amount of the surcharge assessed against him as requested above.
10. For attorney's fees for all objections.

DOD: 5-28-08		JACK NELSON , Son and Administrator with Full IAEA without bond, is Petitioner. Accounting is waived. I&A: \$65,500.00 POH: \$65,500.00 (real property plus furniture, fixtures and personal items) Administrator (Statutory): Waived	NEEDS/PROBLEMS/COMMENTS: 1. The I&A is blank at #3 regarding whether the I&A contains <u>all or a portion</u> of the estate that has come into Petitioner's knowledge. Need verification that the I&A contains <u>all</u> of the estate. 2. Petitioner does not address whether notice of administration was sent to the Franchise Tax Board as required by Probate Code §9202(c). If notice was not sent, continuation for appropriate notice and time for response may be required. 3. Petitioner does not address whether notice was required to the Director of the California Victim Compensation and Government Claims Board pursuant to Probate Code §9202(b).
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
N/A	Notice of Hrg	Distribution pursuant to intestate succession and Waivers of Interest filed 6-22-12: Jack Nelson: Entire estate (real property plus furniture, fixtures and personal items)	
N/A	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		6-28-12
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202	X	
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	X	

Reviewed by: skc
Reviewed on: 11-8-12
Updates:
Recommendation:
File 5 - Nelson

Petition for Modification of Trust

Age:		NEEDS/PROBLEMS/COMMENTS: <u>Continued to 12/11/12</u> at the request of the attorney.
DOD:		
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: KT Reviewed on: 11/7/12 Updates: Recommendation: File 6 - Parichan

Petition for Modification of Trust

Age:		NEEDS/PROBLEMS/COMMENTS: <u>Continued to 12/11/12</u> at the request of the attorney.
DOD:		
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: KT
		Reviewed on: 11/7/12
		Updates:
		Recommendation:
		File 7 - Parichan

Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 7/11/10		<p>JONATHAN BEYER was removed as Administrator and PUBLIC ADMINISTRATOR was appointed on 8-15-12.</p> <p>I&A filed 2-28-11 reflects a total estate value of \$353,473.00, including \$67,773.00 cash, real properties, a vehicle, furnishings and personal effects, and a sole proprietorship ("Boxcar Cafe").</p> <p>Prior status hearings, including Orders to Show Cause for non-appearance, etc., were held on 11-9-11, 1-25-12, 3-14-12, 4-25-12, 6-6-12, and 8-15-12.</p> <p>On 8-15-12, the former Administrator was not present. The Court removed Mr. Beyer as Administrator based on his failure to fulfill his duties and appointed the PUBLIC ADMINISTRATOR. Letters issued on 9-28-12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need status report or first account current or petition for final distribution.</p>
Cont. from 081512			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 11-8-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Beyer</p>	

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		OFF CALENDAR. Order approving the final account signed on 3/21/12.
		Reviewed by: KT
		Reviewed on: 11/7/12
		Updates:
		Recommendation:
		File 9 - Brinkhaus

Atty Bacon, Tara (Pro Per – Mother – Petitioner)
 Atty Wall, Peter J. (for Joan Black – Paternal Grandmother – Guardian)

Petition for Termination of Guardianship

Age: 8		TARA BACON, Mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		JOAN BLACK, Paternal Grandmother, was appointed Guardian on 1-5-10.	Continued from 9-4-12, 10-16-12.
090412, 101612		Father: DANNY BLACK Paternal Grandfather: Deceased Maternal Grandparents: Deceased	Petitioner filed a Declaration on 9-21-12 regarding the Court Investigator's report. See Declaration.
Aff.Sub.Wit.			
✓ Verified		Petitioner states she has her own apartment – a very nice two bedroom in a good area. She has a very good job working for the public authorities and is in the health care union. She attends church at Harmony Free and will take her son with her. Jerry Dyer also attends church there. Her son stays nights with her often and she takes him to school and picks him up. He tells her he wants to be with her and she can't wait for the day he returns home for good. Mother states she has had her own apartment since December 2011. The guardian promised that she would return Jason before second grade began, but second grade is now over. It hurts her to see her son being hurt by the situation. Petitioner asks the court to please end the guardianship so that she and her son can be complete and settled together in one stable home.	As of 10-9-12, the following issues remain:
Inventory			
PTC		1. Need Notice of Hearing.	2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1460(b)(5) on: - Joan Black (Guardian) - Danny Black (Father)
Not.Cred.			
Notice of Hrg	X	Minute Order 10-16-12 states: Court Investigator JoAnn Morris is sworn for further inquiry by the Court. The Court directs Ms. Morris to visit Jason alone, and also conduct a further investigation of Tara Bacon's home to determine who is residing there. Continued to 11/13/12.	Note: Petitioner filed a "Proof of Service – Civil" but it is incomplete – it does not state the hearing date, what documents were served, and does not provide info about the server.
Aff.Mail	X		
Aff.Pub.		Court Investigator Jo Ann Morris filed a report on 8-27-12 and a report on 11-6-12.	Reviewed by: skc
Sp.Ntc.			
Pers.Serv.		Reviewed on: 11-8-12	Updates:
Conf. Screen			
Letters		Recommendation:	File 10 - Black
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
✓ Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Pro Per Griffith, Estella (Pro Per Administrator)

Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 8/18/2010		<p>ESTELLA GRIFFITH, sister, was appointed Administrator with Full IAEA Authority without bond on 9/26/2011, and Letters issued on that date.</p> <p>Final Inventory and Appraisal filed 3/11/2011 (prior to appointment of Petitioner as Administrator) shows an estate value of \$193,100.00, consisting of a 1/5th interest in real property located in Los Angeles, California (total real property value stated as \$965,000.00 per Probate Referee Rick Smith.)</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account, petition for final distribution, or current status report pursuant to Local Rule 7.5(B).</p> <p>Note: Documents entitled Waiver of Account, each stating that the undersigned beneficiary of the estate "hereby waives the filing and settlement of a final account, " have been filed by the Petitioner on the following dates, signed by the following persons (these persons do not constitute all heirs listed in the initial petition for letters of administration):</p> <ul style="list-style-type: none"> Pedro S. Escandon, nephew, filed 10/29/2012; Esther E. Tinajero, niece, filed 10/29/2012; Estella Griffith, sister (Petitioner), filed 10/23/2012; Donna Stevens, niece, filed 6/25/2012; Steven Escandon, nephew, filed 6/21/2012; Jay Alamo, nephew, filed 5/29/2012; Raymond Beltran, nephew, filed 5/21/2012; Albert Oliva, nephew, filed 3/16/2012; Erlinda Lopez, (relationship unstated), filed 3/16/2012; Arthur Robles, nephew, filed 3/15/2012; Raquel Pena, sister, filed 3/15/2012; Christina Escandon, niece, filed 3/15/2012.
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/O		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 11/7/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 - Escandon</p>	

Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 5/26/2011		<p>DONALD PAUL TOPPIN, brother-in-law, was appointed Executor with Full IAEA Authority without bond on 9/26/2011, and Letters issued on that date.</p> <p>Minute Order dated 9/26/2011 from the hearing on the appointment of Executor set this status hearing on 11/13/2012 for status regarding filing of the first account or petition for final distribution.</p> <p>Final Inventory and Appraisal was filed on 12/15/2011 showing an estate value of \$90,000.00, consisting of real property in Riverdale, CA.</p> <p>Notice of Proposed Action was filed 3/9/2012 indicating the estate real property would be sold pursuant of escrow instructions dated 10/2/2011 for a purchase price of \$89,000.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account, petition for final distribution, or current status report pursuant to Local Rule 7.5(B).</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: LEG				
Reviewed on: 11/7/12				
Updates:				
Recommendation:				
File 12 - Toppin				

Pro Per Laney, Dorothea D. (Pro Per Petitioner, daughter)
 Pro Per Culbertson, Sherrie L. (Pro Per Objector, daughter)

Amended Petition for Letters of Administration; Authorization to Administer Under the Independent Administration of Estates Act

DOD: 5/20/2012	DOROTHEA D. LANEY , daughter, is Petitioner and requests appointment as Administrator without bond.		NEEDS/PROBLEMS/COMMENTS: Continued from 9/10/2012. Minute Order states: Examiner notes are provided to Ms. [Theresa] James [daughter.] The following issues from the last hearing remain: 1. Item 3(c) of the <i>Amended Petition</i> is incomplete regarding estimated value of the estate. Need information as to the character and estimated value of the property of the estate pursuant to Probate Code § 8002(a)(4). 2. Item 5(a) of the <i>Amended Petition</i> is incomplete as to (3) or (4) re: registered domestic partner, and (7) or (8) re: issue of a predeceased child. Note: Item 3(d)(2) of the <i>Amended Petition</i> filed on 8/7/2012 states all beneficiaries have waived bond. Item 3(f)(2)(b) of the <i>Amended Petition</i> states Petitioner is a nominee of a person entitled to <i>Letters</i> . Petitioner attached to her initial <i>Petition</i> filed 6/13/2012 waivers of bond and nominations of administrator signed by the following heirs: <ul style="list-style-type: none"> • Dorothea D. Laney, daughter (Petitioner); • Mark James, son; • Ralph Gary James, son; • Teresa James, daughter; • Jessie James, son.
Cont. from 091012	Full IAEA – O.K.		
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate.		
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	Residence: Fresno		
<input checked="" type="checkbox"/> Aff.Mail	W/	Publication: Business Journal	
<input checked="" type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen	Estimated value of the estate: Personal property - \$0 Real property - \$0		
<input type="checkbox"/> Aff. Posting			
<input checked="" type="checkbox"/> Duties/Supp			
<input checked="" type="checkbox"/> Objections	Probate Referee: Steven Diebert		
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order	~Please see additional page~		
<input checked="" type="checkbox"/> Letters			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: LEG
			Reviewed on: 11/7/12
			Updates:
			Recommendation:
			File 13 - James

Declaration of Petitioner Dorothea D. Laney filed 8/14/2012 states:

- Three of Decedent's children, **SHERRIE CULBERTSON**, daughter, **MARGARET NAN**, daughter, and **ROBERT BABB**, son, have possession of some of Decedent's personal property;
- Decedent's other children feel these three named children are trying to withhold all belongings from the other children out of greed; some of the property, such as Decedent's house boat, is being sold (*please refer to photos attached as Exhibit A*);
- **Petitioner requests the Court order an injunction to stop all sales of the Decedent's personal property by these three children;**
- Sherrie Culbertson is in "hiding" so as not be found and served with any probate documents, and Margaret Nan has done everything in her power to prevent and divert any service to Sherrie;
- Petitioner requests she be appointed administrator of the estate so that her father's belongings can be distributed to his biological children where they rightfully belong.

Objection to Petition of Dorothea Laney filed by SHERRIE CULBERTSON on 9/4/2012 states:

- She is the oldest sister of the Decedent, and her permanent residence is in Mexico;
- She believes some facts should be brought forth considering **DOROTHEA LANEY** ("Deedee") and **MARK JAMES** have made harassing phone calls to her and have threatened legal action and criminal charges;
- Decedent had been debilitated for a number of years and was diagnosed with cancer;
- Decedent discussed with family and friends that he was disappointed with the fact that his children never visited him unless they needed money, and he stated on many occasions to many people that his children could not be bothered with him unless they wanted money and for that reason when he died they would get nothing;
- When Decedent informed her (Objector, Sherrie) that he had terminal cancer and did not have long, she decided to return to Fresno to take care of him, and she put her sister's (Margaret Nan's) small motor home behind Decedent's small house that he rented from **RICHARD and VADA GILLISPIE** (*please refer to Declaration of Richard Gillispie filed 8/29/2012 regarding Decedent's wishes*), and she lived there and took care of Decedent by cooking, shopping and taking him to his house boat on Pine Flat Lake, where he asked to spend as much time as he could;
- Decedent again told her of his wishes that nothing be left to his children, and stated he did not want anyone to know he was ill, including his children and their sisters and brother;
- On 3/19/2012, Decedent asked her to go with him to the DMV office so he could make a one-time gift to her of his vehicles and boats; she proceeded to the AAA office where she does her DMV business and Decedent "gifted" to her the following: Chevy truck, houseboat, fishing boat and trailer, ATV and trailer; he also added her name to the vehicle insurance policy (*please refer to attached copies of certificates of title showing Sherrie Lou Culbertson as owner*);
- Decedent's instructions to her were to dispose of the vehicles as she wished; however, he made suggestions as to who he thought might be interested in these items and would give them the most use and get enjoyment from them;
- Decedent was adamant that he did not want his children told he was ill, and she was not to tell them when he passed away;
- Decedent had begun giving away his things about 3 years before, and gave away many of his tools and like things to friends he had known for years; by the time Decedent passed away he had disposed of almost all of his few possessions, which did not include a safe or motor home as Petitioner (Deedee) has stated;
- She followed Decedent's wishes, and he disposed of his estate exactly the way he wanted;
- She objects to the granting of Petitioner Dorothea Laney's petition to administer the estate because Decedent did not leave any estate to administer.

~Please see additional page~

Declaration of RICHARD T. GILLISPIE, Decedent's landlord, filed on 8/29/2012 states:

- Decedent was his tenant for over 10 years and he got to know his fairly well since Decedent was living only a few hundred feet from his personal residence;
- He was asked to write about Decedent's wishes regarding his personal property and death wishes since he did not leave a will;
- As to his credibility, he is a claims representative for the Social Security Administration and emphasizes honesty and integrity in all they do, and he attests that everything he states is true to the best of his knowledge;
- Decedent was sick for years and was hurting badly when he rented Decedent a small apartment, and Decedent was doing work tree trimming and tractor disking; prior to that he was a diesel mechanic; Decedent was a tough man and would not take anything from anybody; Decedent stated he like the apartment because he had room for his equipment and before he had been living in a trailer;
- Decedent always complained about his health and pain and he told Decedent to apply for disability with Social Security, which he was awarded due to emphysema;
- Decedent started selling personal property in about 2004 to get money to buy things for retirement, and got rid of all his tools except for hand tools; he bought a pick-up, a fishing boat, car and trailer, and a run-down house boat on Pine Flat Lake; these items are the only things he owned that had any value; everything else he sold or gave away including his guns and gun safe he got rid of in 2007;
- In about 2010, Decedent spoke with him about his asking his daughter, Dorothea Laney, to come to help him with things such as cleaning, etc., and he would pay her for this work; Decedent stated her response was negative and delivered in an ugly way; he stated that he never wanted to see his children again and that all they do is panhandle him, that all they want is his money and they won't even work for it; Decedent stated clearly that his children "don't get a damn thing" and that he was going to give it all away first;
- Decedent asked his sister, Sherrie Culbertson, to come help him when he was diagnosed with cancer and his time was short; Decedent told him clearly and of sound mind that his sister Sherrie was to get everything for coming and taking care of him during his final months of life;
- Decedent went to the DMV office a few weeks before his death and signed over the vehicles (truck, car, trailer, boat and houseboat) to her for taking care of him; these items were old and were not very valuable;
- He saw Decedent daily right up to the day of his death; Decedent was of sound mind in everything he did right up to the day he died; in the last weeks of his life, he told his sister Sherrie that he did not want her to tell his children he was dying, they were to get nothing, and that if they knew he was dying they would be like vultures on a carcass and he wanted to die in peace;
- There is no estate to be administered because what little Decedent had he got rid of before he died.

Declaration of ROBERT D. BABB, friend of Decedent, filed on 9/4/2012 states:

- He and Decedent were close friends for 30 years, and knows Decedent's sister, Sherrie Culbertson, and he has knowledge about Decedent's wishes and actions as he neared the end of his life;
- He supports Sherrie's objecting to Dorothea Laney's petition to administer Decedent's estate because of his personal experience and information;
- He and Decedent were very close and often went camping and fishing, would visit each other's homes and have lunch and dinner together; his family considered Decedent like a family member;

~Please see additional page~

Declaration of Robert D. Babb filed on 9/4/2012, continued:

- For many years, Decedent lived about ½ mile from him and his family where Decedent rented a small apartment from Richard and Vada Gillispie; Decedent had very few possessions and lived very carefully to save money wherever he could;
- He knows Decedent's sister, Sherrie, and her husband, Roger, who had moved to Mexico and he knew Decedent had a very good relationship with them; he heard about the problems Decedent had with his children and how disappointed he was with the way they were living their lives; Decedent would complain to him over the years about his kids, that he was disappointed in them and often said they only contacted him when they needed money;
- About 5 years ago, he and Decedent were talking about the Wills that he and his wife had just finished, and Decedent was trying to decide if he should do a Will or not; after looking at a CA Statutory Will Decedent decided a few weeks later that he didn't want his kids to have anything to fight over when he went; Decedent said he that if he could manage it, before he died he wanted to give away or sell everything he owned; during the last 5 years or so, if the subject came up Decedent would be very adamant on the fact that he didn't want his kids to get anything more from him;
- Around February 2012, Decedent told him he was sick with cancer; he could see Decedent wasn't feeling well for some time; his sister had to come to help him and take care of him; Decedent made a point to tell him that he had gifted all his vehicles and boats to Sherrie because she had come to help him; Decedent also told him he did not want his kids to get any of his property when he died; Decedent continued to tell him over and over that he did not want his kids or the rest of his family members to know about his illness or to even know when he passed;
- Even though Decedent was in pain, he wasn't taking his pain medications because he didn't like the way it made him feel; he was always aware of what was going on in his life; he spent time with Decedent the evening before he passed and Decedent knew who he was and was completely aware right up to the end;
- After Decedent's death, Sherrie needed to clean up his apartment and storage shed and decide what she wanted to do with the vehicles and boats Decedent had given her; Sherrie asked if he would like to purchase Decedent's pick-up truck, and he agreed; title was transferred from Sherrie to him on 6/9/2012 (*please refer to copy of certificate of title attached*); this was done legally and according to the final wishes Decedent had that Sherrie be able to do whatever she wanted with his possessions after he passed away;
- He understands from conversation with Sherrie that Deedee (Petitioner) said they located some of Decedent's property – pick-up truck, safe and motor home; he legally purchased the pick-up truck and he knows the person is a mutual friend that Decedent sold his guns and gun safe to about 3 or 4 years ago; he knows Decedent did not own a motor home;
- He received two threatening phone calls from Deedee and her brother, Ralph, after the 7/23/2012 hearing was continued, and they said the Judge had ordered Decedent's things be returned and put in storage, including the pick-up truck; they both threatened "criminal actions" were going to be filed against us if we didn't follow the Judge's order and turn over the truck; he knew that no other had been made and since they consulted with a Probate attorney they knew that had not done anything illegal; he does not want to receive any more threatening phone calls from Decedent's children;
- He believes it will be a waste of time to have Deedee made the administrator of Decedent's estate because Decedent gave away or sold everything valuable that he didn't need during the 4 years before his death, and Decedent gifted the rest of his property to Sherrie when he found out he had terminal cancer.

~Please see additional page~

Declaration of ARDITH L. BABB, friend of Decedent, filed on 9/4/2012 reiterates the statements in the *Declaration of Robert D. Babb*, stating in addition that she was told by Decedent how thankful he was that Sherrie had left her home to spend so many months living with him and helping him when he really needed it, and she saw that Decedent was really touched by her sacrifice; Decedent told her in a forceful and determined manner that he didn't want his "kids or ex-wives" to get anything of his; she knows Decedent did not want there to be any question as to what he wanted done with his property after his death, and this is evidence by the fact that he made sure it was taken care of before he died.

Declaration of Sherrie L. Culbertson in Response to the 8/14/2012 Declaration of Dorothea D. Laney filed on 9/5/2012 states:

- In Deedee's (Dorothea's) declaration, she states she made 6 attempts to serve court papers; it is a mystery where and how she served them as she (Sherrie) is always reachable by cell phone, and Deedee has the number and knows her address; she has never been "in hiding" as Deedee states and her cell phone and physical locations are known to Deedee;
- Deedee's declaration states that illness and passing of Decedent was withheld from his children; this was per Decedent's instructions;
- Deedee's declaration states missing property is a tool box and tools, gun safe with guns and cash, checking and savings accounts, medical records, pictures of his children, and his remains; Decedent had a small tool box with an unknown number of tools inside, he sold his guns and gun safe years ago, and there was no safe with guns and cash; Decedent had no savings account at the time of his death, and pictures of his children he had destroyed years ago;
- Deedee's declaration incorrectly identifies Decedent's truck as a 2004 pick-up, which is actually a 2001 pick-up, and that had been gifted to her (Sherrie) on 3/19/2012, which she then sold after Decedent's passing to Robert Babb, so the pick-up truck is now in his name;
- Deedee's declaration refers to a dump truck of Decedent's, which he sold to a friend (Mike Ververde) about 2 ½ months before his passing;
- Deedee's declaration refers to the pontoon boat, which is in fact docked at Pine Flat Marina; however, there is no "for sale" sign on it and there is no motor on it; Deedee's photos submitted of the boat and CF numbers with a "for sale" sign on it are photos of someone else's boat and the owner is unknown to her (Sherrie); Decedent's actual boat has different CF numbers (*please refer to photos attached as Exhibit B showing Decedent's boat, with CF numbers that match the title Certificate of Ownership of the boat attached to Sherrie's initial objection*);
- Deedee's declaration refers to a motor home, which was given to Margaret Nan (sister) by Margaret's friend (Doris Fagan), and Decedent never had any ownership interest in that motor home;
- Decedent dispersed his possessions while he was alive on his own terms; all of his property had been sold, gifted or otherwise disposed of by Decedent before his passing;
- Decedent left no Will or Codicil or any possessions for his children because of his personal disappointment and heartbreak over their behavior, and he felt this way for many years; Decedent verbalized this disappointment to many of his friends and family.

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**Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820,
1821, 2680-2682)**

Age: 48		No Temporary Requested	NEEDS/PROBLEMS/COMMENTS: <u>Off Calendar: Amended petition filed on 10/22/2012 and hearing is set for 12/03/2012.</u> Court Investigator Advised Rights on 09/07/2012. Voting Rights Affected Need Minute Order 1. #1g of the petition is not marked regarding medical consent powers however #9 is marked. Therefore, it is unclear whether the petitioner intended to request medical consent powers. 2. The Capacity Declaration signed by Dr. H. Terry Hutchison was not dated. 3. Notice of Hearing does not provide the name of the petitioner nor what was filed and served at #1. 4. Per the Investigator Report, the conservatee is developmentally disabled therefore need proof of service of the Notice of Hearing with a copy of the petition thirty (30) days prior to the hearing to Central Valley Regional Center pursuant to Probate Code §1822(e). Reviewed by: KT / LV Reviewed on: 11/07/2012 Updates: Recommendation: File 15 - Carrasco
		ARMANDO CARRASCO , brother, is petitioner and requests appointment as Conservator of the person. Declaration of H. Terry Hutchison, M.D., supports request for medical consent. Voting Rights Affected. Petitioner states: conservatee cannot feed himself, clothe himself, walk or take care of his basic personal needs. Court Investigator Charlotte Bien's report filed 09/10/2012.	
Cont. from 100212			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		

DOD: 4/11/2009	RUBY LOUISE MILLER , daughter, is petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS:
		Continued from 10/11/12. Minute order states the court instructed the petitioner to speak with the examiner since the entire estate is less than \$1,500.00.
Cont. from 101112		
<input type="checkbox"/> Aff.Sub.Wit.	All heirs waive bond.	
<input checked="" type="checkbox"/> Verified	Full IAEA – o.k.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Decedent died intestate.	1. Need Notice of Petition to Administer the Estate.
<input type="checkbox"/> Not.Cred.		2. Need supplement to the Duties and Liabilities.
<input type="checkbox"/> Notice of Hrg	Residence: Fresno Publication: Fresno Bee	
<input type="checkbox"/> Aff.Mail		
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Estimated value of the estate:	Note: Status hearings have already been set.
<input type="checkbox"/> Pers.Serv.	Personal property - \$1,050.00	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters	Probate Referee: RICK SMITH	
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: KT
<input type="checkbox"/> Status Rpt		Reviewed on: 10/8/12
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 16 - Wimbley

Pro Per Hester, Sherri D (Pro Per Petitioner, maternal grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 10 months		TEMPORARY EXPIRES 11/13/2012	NEEDS/PROBLEMS/COMMENTS:
		SHERRI D. HESTER, maternal grandmother, is Petitioner.	
Cont. from		Father: UNKNOWN ; Court dispensed with notice on 9/25/2012 unless and until his identity and address become known.	
	Aff.Sub.Wit.		
✓	Verified	Mother: LOVVE WILLIAMS ; Declaration of Due Diligence filed 09/21/2012; Court dispensed with notice on 9/25/2012 unless and until an address becomes known.	
	Inventory		
	PTC	Paternal Grandparents: Not Listed; Unknown.	
	Not.Cred.		
	Notice of Hrg	Maternal Grandfather: David Ray Williams; Declaration of Due Diligence filed 09/21/2012.	
	Aff.Mail		
	Aff.Pub.	Petitioner states medical attention is needed for the child, the mother's whereabouts are unknown, and she is a known drug abuser.	
	Sp.Ntc.		
	Pers.Serv.	Court Investigator Jennifer Daniel's Report was filed on 11/6/2012 .	
✓	Conf. Screen		
	Aff. Posting		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		Reviewed by: LEG
✓	Clearances		
✓	Order		Reviewed on: 11/8/12
✓	Letters		
	Status Rpt		Updates:
✓	UCCJEA		
	Citation		Recommendation:
	FTB Notice		
			File 19 – Parker

Pro Per Williams, Diane (Pro Per Petitioner, maternal aunt)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Shayma Age: 3 years		<p align="center">NO TEMPORARY REQUESTED</p> <p>DIANE WILLIAMS, maternal aunt, is Petitioner.</p> <p>Father: DERRICK L. CROCKETT</p> <p>Mother: DELLA L. LYNN</p> <p>Paternal grandfather: <i>Not listed</i> Paternal grandmother: <i>Not listed</i></p> <p>Maternal grandfather: <i>Not listed</i> Maternal grandmother: Roberta Waldrop; deceased.</p> <p>Petitioner states she wants guardianship of the children because no one wants to take care of them and she does not want them to go to CPS, and she loves them because they are her blood.</p> <p>Court Investigator Dina Calvillo's Report was filed on 11/6/2012.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need <i>Notice of Hearing</i> and proof of personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i>, for:</p> <ul style="list-style-type: none"> • Della L. Lynn, mother; • Derrick L. Crockett, father. <p>2. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i>, for:</p> <ul style="list-style-type: none"> • paternal grandparents; • maternal grandfather; • Deon Fields, half-brother (age 19). <p>3. Need <i>Child Information Attachment</i> for Shamyia Crockett.</p> <p align="center">~Please see additional page~</p>	
Derrick Age: 2 years				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			X
<input checked="" type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Aff. Posting			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	Clearances			
<input checked="" type="checkbox"/>	Order			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: LEG		
		Reviewed on: 11/7/12		
		Updates:		
		Recommendation:		
		File 20 - Crockett		

NEEDS/PROBLEMS/COMMENTS, continued:

4. Petitioner filed on 9/12/2012 attached to the Petition and Child Information Attachment containing the name Myia Crocket (date of birth not stated), whose name is not included on the Petition. Need clarification regarding whether this child is intended by Petitioner to be considered for guardianship by the Court.
5. *UCCJEA* filed 9/12/2012 does not include any dates for the period of residence of the children at the address listed.
6. *Confidential Guardian Screening* form filed 9/12/2012 is incomplete at most items contained on the form. Need *Confidential Guardian Screening* form fully completed by the Petitioner.